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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,405	01/03/2002	Brian Taylor	RPS920050806US1	8361
39698	7590	03/14/2008		
DUKE W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			EXAMINER LANEAU, RONALD	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 03/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/038,405	Applicant(s) TAYLOR ET AL.	
	Examiner RONALD LANEAU	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Allowable Subject Matter

1. The indicated allowability of claims 1-17 is withdrawn in view of the newly discovered reference(s) to Bellis, Jr. et al (US 7,044,370). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Bellis, Jr et al (US 7,044,370 B2).

As per claims 1 and 15, Bellis discloses a method of optimizing a value associated with a characteristic of a product stored in a first field of a security database of a self-checkout system at an optimizing time (see abstract), said security database also including a second field for storing identification information for said product, a third field for storing a last time when said value was last updated and a fourth field for storing at least one new value for said characteristic stored in said fourth field between said last time and said optimizing time (col. 10, lines 13-49), said value being used in a comparison to a second value associated with said characteristic and detected in a security area of said self-checkout system during a purchasing transaction (col. 6, line 50 to col. 7, line 29), said comparison used as a security measure to confirm that a product

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placed in said security area during said purchasing transaction is the same product identified by said system after said system identifies said product via identification information input by a user of said system (col. 1, lines 20-37) querying said database for products having a time difference between said optimizing time and said last time greater than a predetermined period and having at least one new value for said characteristics, wherein said query establishes a query result (col. 7, line 49 to col. 8, line 13); revising said value for each product in said query result using said new value (see claim 1).

As per claims 2-10, 12-14, 16 and 17, Bellis discloses providing a database of records wherein each of said records includes a plurality of values of fields containing respective field values which characterize said products, obviously teach the time difference between the optimizing time value and the last time value, revising said value for each product in said query result using said new value (updating data records with new value (col. 5, lines 46-58)), a method wherein said physical characteristic comprises weight of said product, a storage device 562 to store all attributes for all products (see abs.).

As per claim 11, Bellis does not explicitly teach a predetermined amount of new values that is between 2-100 but the new found value is intrinsic to each product scanned into the system and whether said value falls within that particular range will depend on the products' attributes.

Response to Arguments

4. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

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5. Any inquiry concerning this communication should be directed to RONALD LANEAU at telephone number (571)272-6784.

Ronald Laneau
SPE
Art Unit 3714

/Ronald Laneau/

Supervisory Patent Examiner, Art Unit 3714

03/01/08